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EPA FOR OFFICE OF INT'L ACTIVITIES - C.HILL-MACON

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SUBJECT: BRAZIL: INTERESTED IN COOPERATION WITH EPA ON MERCURY, BUT
NOT THE ITAITUBA PROJECT

¶1. (U) THIS CABLE IS SENSITIVE BUT UNCLASSIFIED AND IS NOT FOR
INTERNET DISTRIBUTION.

¶2. (SBU) SUMMARY. Over the last six months, the Brazilian Ministry
of Environment (MMA) has repeatedly expressed interest in
cooperating with the U.S. Environmental Protection Agency (EPA) in
the field of mercury. They would like an instrument formalizing
this cooperation, which would be based on the guidance provided in
June by Brazil's National Council on the Environment (CONAMA). At
the same time, MMA officials have adamantly insisted that they are
not interested in entering into a formal cooperative arrangement
concerning the ongoing small-scale gold mining project in Itaituba.
END SUMMARY

¶3. (SBU) Throughout the second-half of the year, MMA officials in
meetings with the Embassy's Environment, Science, Technology and
Health (ESTH) Counselor and ESTH Officer have underscored a two-part
message regarding cooperation with EPA on mercury. At various
meetings in December, November, September and July, ESTH Counselor
and ESTH Officer met with Julio Baena, Senior Advisor for bilateral
affairs in the Office of International Affairs, Sergia de Souza
Oliveira, Project Manager for mercury and chemicals in the
Secretariat for Climate Changes and Environmental Quality, and

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Mariana Egler, MMA Mercury Specialist to discuss possible
cooperation on mercury with the EPA.

POSSIBLE COOPERATION AND INSTRUMENT

¶4. (SBU) In each one of the meetings, MMA officials showed great
interest in a cooperative relationship on mercury with the EPA.
They are interested in formalizing the cooperation through a written
instrument. They indicated that the draft Letter of Cooperation
provided by EPA earlier in the year could be helpful in developing
such an instrument. However, the Ministry insists on an instrument
that has a scope and focus based on the guidance issued by CONAMA.

¶5. (SBU) The MMA officials stated that CONAMA in June published its
guidance, called a "mocoa," on dealing with mercury. An informal
translation of this guidance is provided in paragraph 9 below. This
guidance recognizes the problems associated with mercury and also
that it represents a global challenge. The guidance calls for the
development of a national policy on mercury, which MMA is currently
working on and hopes to get out early in 2008. The MMA would like a
cooperative relationship, and a written instrument that corresponds
to this guidance, which is expected to be reflected in the national
policy. Within this ambit, the MMA officials appeared flexible
about the format and type of instrument, whether a memorandum of

understanding or a letter of cooperation or something else.

ITAITUBA PROJECT

¶6. (SBU) The guidance speaks of promoting "mercury-free alternatives for the small scale gold mining sector" rather than low-mercury alternatives. MMA mercury specialist Egler told ESTH Counselor at a meeting on December 11 that "mercury-free" mining methods were being tested in Colombia, but they were not being used in Brazil. Post understands that the ongoing EPA project on mercury in gold shops in the city of Itaituba, in the northern state of Para, focuses on reducing the use of mercury, not on piloting mercury-free alternatives. Addressing mercury use in gold-mining is critical for MMA because, according to a 2004 study, 67.3 percent of the emissions of mercury (or 77.9 tons) came from the gold mining industry.

¶7. (SBU) The second part of the message from MMA is that they are not interested in joining in the EPA project in Itaituba. The Ministry does not oppose EPA concluding the project and is aware that it is in its final stage. They might be interested in a new or broader project that addresses small-scale gold mining. For whatever reason, MMA officials have repeatedly made clear to Post that at this stage they are not interested in participating in the Itaituba project. They say that the project is already in its final stage and MMA never played an active role in the implementation of project itself. However, in case EPA plans on having other phases of the Itaituba project, the Ministry would need a detailed work plan in advance.

NEXT STEPS

¶8. (SBU) Post would welcome Washington's advice on how and whether to respond to the Ministry's expression of interest in cooperation on mercury.

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¶9. (U) The guidance issued by CONAMA, called a "Mocao," number 085 of June 27, 2007 calls for the Ministry of Environment to create and implement a national policy concerning mercury. An informal translation is provided below:

BEGIN TEXT

The National Council for the Environment (CONAMA), in the use of its attributions and competencies that are permitted under Law Number 6.938 of August 31, 1981, regulated by Decree Number 99.274 of June 6, 1990 and considering the Council's internal regulations and what is written in the Process Number 02000.004763/2006-59, and

Considering that metal mercury and its organic compounds are harmful to the environment and public health, such as methyl mercury which is a very strong neurotoxin capable of damaging organs such as brain, kidneys and liver and causes development disorder and problems in the reproductive system, cognitive disturbances, speaking and vision problems, causes hearing and walking difficulties, mental disturbances and death;

Considering that mercury concentrates in the tissue of fishes becoming stronger and stronger as predator fishes and mammals eat smaller fishes, reaching toxic levels one million times higher than in nearby waters;

Considering that the equivalent value of less than one-fiftieth of a small spoonful of mercury (a drop) deposited in a lake 20 acres in area, is enough to contaminate the fish in the lake to the point that they will be inadequate for consumption.

Considering that mercury pollution violates basic human rights - life, food, pure water, working environments, environmental health and the rights of indigenous people to preserve their traditional means of life and food; and that these basic rights are threatened by compounds from tooth amalgam that contains mercury, vaccines,

seafood and the mercury transference between Brazilian states and also between rich developed nations and less developed and poorer nations.

Considering that the level of mercury in the global environment for the last century has tripled and that the current mercury concentration in the environment is about to exceed the limit that can put the population of all continents in danger, important food sources are already contaminated and children are being severely exposed due to vaccination in mass programs that contain thymerosal;

Considering that this alarming growth in mercury pollution, rarely made public by the media, has raised exponentially the risk of a dangerous and fatal explosion for all people, as well as for the wildlife and ecosystems and has threatened for a long time the safety of fishes as one of the most important sources of proteins in the world;

Considering that acknowledging the immediate global threat in September 2002 at the Global Evaluation for Mercury meeting, hosted by the United Nations Environmental Program (UNEP), 150 specialists concluded that "there is enough evidence that significant adverse impacts, in global scale, are taking place and that demands international action envisioning the reduction of the risk to human health and the environment, caused by mercury emissions into the environment";

Considering the fact that in order to avoid this imminent global crisis on mercury, a concrete and committed international action should be developed in order to coordinate and harmonize the action in local, national and regional levels and that international volunteering and widely desired goals must be urgently established by all countries of the world, National Council for the Environment (CONAMA) solicits that:

The Ministry of the Environment together with the other related Ministries (Education, Health, Work, Cities, Integration, Exterior Relations, Industry and Commerce, Culture, Science and Technology, Mines and Energy and others) establish reduction goals through the elimination of all uses and anthropogenic (human activity) mercury pollution emissions, the development and implementation of national and regional national plans that envision to reduce the use and the elimination of all mercury emissions through all its means, at the maximum possible extent, in a specific time period;

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The Ministry of Environment develop and promote the creation of a national inventory in order to calculate and monitor mercury emissions, sources, uses, imports and exports;

The Ministry of Environment establish and widely publicize strict control measures for the commercialization (import and export) of mercury, mercury residues and technologies that utilize mercury;

The Ministry of Environment establish clear rules for the destination of existing mercury stocks, including mercury from electrolytic cells from the production of chlor-alkali, preferably returning them to the origin country for permanent storage;

The Ministry of Environment officially promote mercury-free alternatives for the small scale gold mining sector and establish an effective strategy for the management of mercury as a sub-product produced by the metal mining industry, including zinc and the mineral production of gold;

The Ministry of Environment initiateefforts for the country to implement a legislation that demands the conversion of the use of hazardous substances contained in electrical equipments and electronics, battery production, the conversion of the use of mercury process in chlor-alkali plants; conversion of most of the production of thermometers and other medical devices that utilize mercury and minimize the production of other non-electronic

equipment containing mercury.

The Ministry of Environment, together with other Ministries, not allow products containing mercury or processes that use mercury that have already been restricted in developed countries to be sent to our country;

In order to accomplish all these goals, the Ministry shall elaborate and implement a National Policy for Mercury that involves the commitment of all federal, state and municipal level governments, civil society and the private sector;

The National Policy for Mercury of the Brazilian government shall include a requirement for the National Council for the Environment (CONAMA) to reestablish the Working Group for Fluorescent Lamps, so that the country can have, as soon as possible, a legal frame so that the environmental management of the production chain, consumption and adequate destination of these products that have mercury, as well as the research of mercury free technology;

In accordance with the internal regulations of CONAMA, a presentation, by the Ministry of Environment and the President of the Technical Chamber for Health, Sanitation and Waste Management from CONAMA, shall be part of the topics of discussion for the next CONAMA meeting. The presentation will be on the procedures that are being adopted in the short, medium and long run so that Brazil finally has a chemical safety policy for mercury.

MARINA SILVA
President of the Council

END TEXT

SOBEL